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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,291	03/18/2004	Maurizio Passarotto	CAM3-PT101	5670

3624 7590 03/07/2007
VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

EXAMINER

STORMER, RUSSELL D

ART UNIT	PAPER NUMBER
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3617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/803,291	Applicant(s) PASSAROTTO ET AL.	
	Examiner Russell D. Stormer	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) 8,29,38 and 45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9,10 and 12-28, 30-37, 30, 41-44, 46-55 is/are rejected.
- 7) ☒ Claim(s) 19 and 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/18/06</u> | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 32-37, 39, 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Krampera (cited by Applicant).

Note the embodiment of figure 5 of Krampera which shows the spokes to be arranged in groups of three, with each of the spokes crossing over one another.

With respect to claim 40, the spokes are arranged such that the side of the wheel hub with twice as many spokes as the other side is the side with the sprocket, as noted in the description of the prior art embodiment of figure 3.

3. Claims 1-5, 7, 9, 10, 12-18, 20-27, 30-37, 39, 41-44, and 46-55 are rejected under 35 U.S.C. 102(b) as being anticipated by Dietrich.

As shown in figure 4, reproduced below, the spoke arrangement includes groups of three, in which the spokes cross over one another.

Further, the maximum distance between two adjacent spokes of one group is less than the distance on the rim between two different groups of spokes.

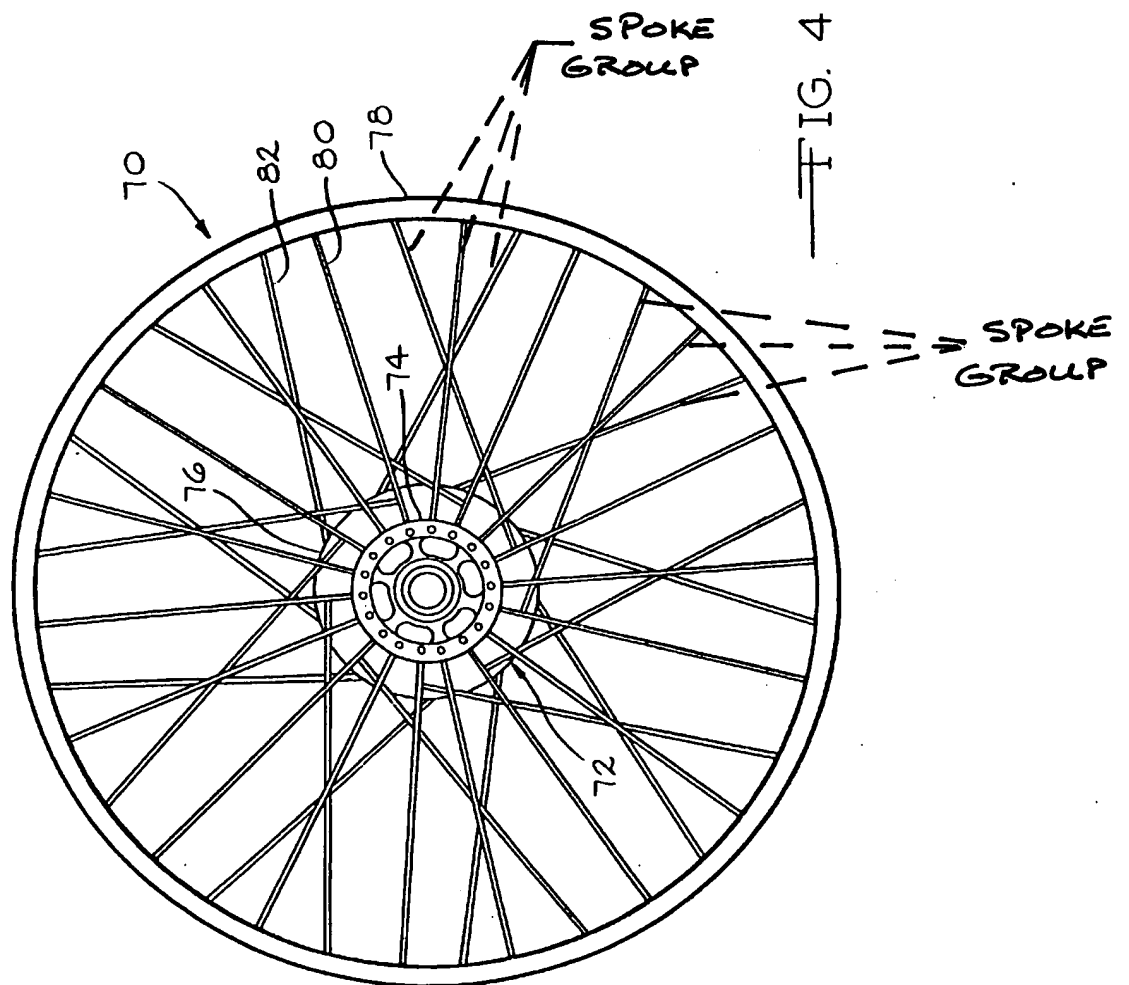
With respect to claims 9, 10, 20, 21, 23, 24, 25, 26, 30, 31, 41, 49, 50, and 51, it is inherent that the tensile forces of the groups of spokes would be balanced so that the wheel would not subject to stresses on one side which might distort the rim or wheel.

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4. Claims 32-37, 39, and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones.

As shown in figure 4, the spokes are clearly grouped in odd numbers such that at least two spokes of each group, connected to the same hub portion adjacent one another, cross over one another.

The intended use of the wheel on a bicycle is given no patentable weight.

5. Claim 54 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ford (previously cited; newly applied).

The intended use of the wheel is given no patentable weight.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dietrich.

For the radial point of crossing-over of the spokes of each group of three to be closer to the hub than to the rim would have been obvious as a mechanical expedient based on the size of the wheel, the width of the hub, and the total number of spokes.

Allowable Subject Matter

9. Claims 19 and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments filed December 18, 2006 have been fully considered but they are not persuasive.

Applicants' main argument against the use of Krampera, Dietrich, and Jones is that none of these references teach or suggest spokes arranged in groups, and that "the Examiner cannot simply imply from the drawing that the spokes are arranged in group especially since the spokes are evenly spaced along the rim."

Applicants do not specifically argue the patentability of unamended independent claim 32, or new claim 54 (the patentable features of new claim 55 are also not pointed

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out, but a review of this claim shows that it contains language found in claims 1 and 41), but it is apparent from the breadth of these claims that they are the subject of the above-noted statement.

In reply, since claim 32 merely requires groups having an odd number of spokes, any spoked wheel having spokes in a multiple of three can meet this claim.

Further, the spokes can be grouped in any way necessary to meet these limitations since there is no limitation that the spokes are spaced in a certain way, or arranged in a particular grouping on the hub. For the spokes to be grouped in sets which all cross over one another, such as shown in Krampera and Dietrich, meets the limitations of the claim.

With claim 54, the groups of spokes merely need to have at least two spokes on one side of the hub which cross over one another. Ford and Jones clearly meet this requirement.

With respect to claims 1, 41, and 55, the extra spoke between the groups of spokes in Dietrich is not precluded by the claims inasmuch as the phrases "a plurality of spokes" and "said spokes are arranged in groups" does not positively limit the plurality of spokes and the groups to all of the spokes on the wheel, in which there are no other spokes other than those in the groups.

Conclusion

11. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. The addition of claim 54 necessitated the use of the Ford patent, and the addition of claim 55 required the new rejection based on the Dietrich patent.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

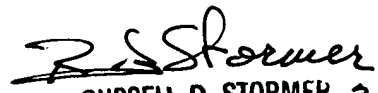
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (571) 272-6687. The examiner can normally be reached on Monday through Friday, 9 AM to 4 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

3/2/07


RUSSELL D. STORMER
PRIMARY EXAMINER 3/2/07